

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings includes changes to Figs. 4 and 14. These sheets replace the original sheets of Figs. 4 and 14. In Figure 4, the reference character 112 has been replace by character 122. In Figure 14, the reference character 246 has been replaced by character 248.

Attachments: (2) Replacement sheets  
(2) Annotated sheets showing changes

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter which Applicant regards as the invention.

Claim 6 has been amended with the subject matter of claim 4; claims 2 and 3 have been amended to depend from claim 9; and claim 7 has been amended to depend from claim 4. Claims 1 and 6 have been canceled.

The Office action included an attached requirement for information under 37 C.F.R. 1.105. Applicant has included a response to the requested information with this Amendment.

The drawings are objected to. The drawings of Figs. 4 and 14 have been amended to correct reference characters.

The disclosure is objected to because of informalities. The disclosure has been amended to correct reference characters and informalities.

Claims 1–9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Havens (U.S. Patent No. 5,909,669) in view of Kraftson et al. (U.S. Patent No. 6,151,581). For at least the following reasons, the Examiner's rejection is respectfully traversed.

There is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Kraftson with Havens to arrive at the claimed invention. Havens discloses an assessment system that compares survey data to a benchmark value of the survey data to generate a productivity assessment and analysis report (col. 10, lines 22-61). Kraftson discloses a healthcare survey system that analyzes data collected from surveys and generates periodic printed reports and real time reports (col. 8, line 39-63).

Since Haven only compares survey data to benchmark values in order to generate a productivity assessment, there is no motivation or need to use the Kraftson real time report features to modify Haven. Thus, there is no motivation or suggestion to combine Kraftson with Havens. Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

With regards to claim 4, none of the reference disclose or suggest “selecting the measurement option comprises selecting from among measurement options including an outcome measurement category, a management topic and a performance measure” as recited in claim 6. The Office Action cites Havens in col. 3, line 53 to col. 4, line 24, as discloses these elements (Office action 11/18/2006, page 10-11).

Havens discloses an assessment system that compares survey data to a benchmark value to generate a productivity assessment and analysis report. Havens in col. 3, line 53 to col. 4, line 24, merely describes how information criteria and worker criteria is assessed in order to generate the survey data. Therefore, Havens fails to disclose or suggest selecting a measurement option or that the measurement options include an outcome measurement category, a management topic and a performance measure. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

With regards to claim 9, none of the references disclose or suggest “a server programmed to: maintain in the storage device a database with data information from a data collection, wherein the data information that includes survey population characteristics, survey questions, responses to survey questions, historical information, and comparative practice information” as recited in claim 9. The Office action cites Havens as discloses these elements (Office action 11/18/2006, page 13).

Havens discloses a database 12, which includes a rank database 14 and a weight database 16 that are populated with survey data 15 after survey data 15 has been generated according to a worker productivity assessment framework 2, and a benchmark database with benchmark values represented by the survey data 15 (col. 18-48; fig. 2). Havens fails to disclose or suggest data information from a data collection includes survey population characteristics, survey questions, and comparative practice information. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Further with regards to claim 9, none of the references disclose or suggest a server programmed to “perform calculations on the data information from the data collection, wherein the calculations include producing rating scales, control charts, histograms, pie charts; and produce on the display device graphical displays indicating measurements from the data collection based on selected population characteristics, wherein measurements are included for performance measures, survey questions, comparative practice benchmarks, boolean search results, and verbatims” as recited in claim 9.

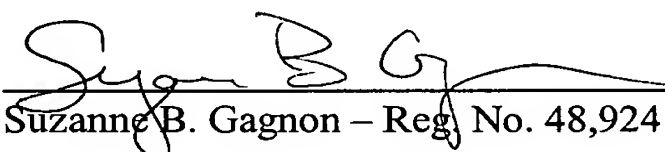
Havens discloses that the calculator 38 may manipulate survey data 15 and a weight database 16 to generate comparison values of the high, low, mean, median, and standard deviation for the information and worker criteria ranks (col. 8, lines 26-49). However, Havens does not disclose or suggest that these manipulations include producing control charts, histograms, and pie charts or that measurements are included for boolean search results and verbatims. Kraftson discloses, in Appendix A, the feedback responses given by physician and patients when designing the survey format (col. 9, line 52 to col. 10, line 13). However, Kraftson does not disclose or suggest that calculations include producing control charts, histograms, and pie charts or that measurements are included for boolean search results and verbatims. The Office action acknowledges that Havens and Kraftson do not teach boolean search results, but

states "data is obtained in metrics ... that would enable a Boolean query of survey results to be performed" (Office action 11/18/2006, page 14. However, the Office action does not indicate any suggestion or motivation in Havens or Kraftson for performing a Boolean search. Therefore, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33033US1.

Respectfully submitted,  
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